

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

DONNA TAYLOR  
TX-1336067-R

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DOCKETED COMPLAINT NO.  
09-267

**AGREED FINAL ORDER**

On this the 26th day of April, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Donna Taylor (Respondent).

In order to conclude this matter Donna Taylor neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent, Donna Taylor, is a state certified residential real estate appraiser who currently holds and held certification number TX-1336067-R during all times material to the above-noted complaint case.
2. Respondent appraised 17330 Bishopsgate Drive, Pflugerville, Texas (the "Bishopsgate property") on or about November 24<sup>th</sup>, 2008.
3. Respondent appraised 813 Vanguard Street, Lakeway, Texas 78734 (the "Vanguard property") on or about November 16<sup>th</sup>, 2006.
4. Respondent appraised 2311 Windsong Trail, Round Rock, Texas 78669 (the "Windsong property") on or about May 31<sup>st</sup>, 2008.
5. Thereafter, a staff-initiated complaint relating to each of these real estate appraisal reports was filed with the Board. The complaint alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP") and not completed properly.
6. After receipt of the complaint, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaints. Respondent's response to the complaint was received.

7. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Bishopsgate property:

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) description adequately;
- c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate market area trends;
- d) Respondent failed to provide a brief summary of her rationale for her determination of the Bishopsgate property's highest and best use;
- e) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in her cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;
- g) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in her sales comparison approach;
- h) Respondent failed to provide a brief summary of her supporting rationale and basis for her exclusion of the income approach;
- i) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
- j) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.

8. Respondent violated Tex. Occ. Code § 1103.405, 22 Tex. Admin. Code §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Vanguard property:

- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
- b) Respondent failed to identify and report the site and improvement(s) description adequately;

- c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate market area trends;
  - d) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in her cost approach;
  - e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;
  - f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in her sales comparison approach;
  - g) Respondent failed to provide a brief summary of her supporting rationale and basis for the exclusion of the income approach;
  - h) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
  - i) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.
9. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the Windsong property
- a) Respondent failed to comply with the conduct and record-keeping provisions of the Ethics Rule;
  - b) Respondent failed to identify and report the site and improvement(s) description adequately;
  - c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate market area trends;
  - d) Respondent failed to use an appropriate method or technique to develop a site value determination and did not employ recognized methods and techniques in her cost approach;
  - e) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations;

- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and did not employ recognized methods and techniques in her sales comparison approach;
  - g) Respondent failed to provide a brief summary of her supporting rationale and basis for the exclusion of the income approach;
  - h) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches;
  - i) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.
5. Respondent omitted material facts and made material misrepresentations in the appraisal reports for the listed properties as detailed above.

### CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record-keeping); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-2(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); 2-1(a) and 2-1(b).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- 1) Have her certification revoked for twenty-four months with the revocation fully probated under the following conditions:
  - (a) During the twenty-four month probation period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide

copies of her appraisal reports and work files for any appraisal assignments she performs during the course of this period of probation within the twenty days of notice of any such request;

(b) Respondent shall not sponsor any appraiser trainees during the twenty-four month probation period;

(c) Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order;

2) Attend and complete a minimum, 15 classroom-hour course in USPAP;

3) Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;

4) Attend and complete a minimum, 7 classroom-hour course in Residential Case Studies;

5) Attend and complete a minimum, 7 classroom-hour course in Quality Control;

(i) No examination shall be required for this course;

6) Attend and complete a minimum, 7 classroom-hour course in Reviewing Appraisals;

(i) No examination shall be required for this course;

7) Pay to the Board an administrative penalty of \$1,000.00, \$750.00 of which shall be fully probated so long as Respondent fully and timely complies with all the terms and conditions of this order, including submitting a signed, dated, 2 page, written report to the Board within 30 days of completing the Reviewing Appraisals course in which Respondent outlines: (a) What she learned from the course; and (b) How she will apply what she learned to her practice when reviewing appraisals in the future; and,

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE REVOCATION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

**ANY SUCH REVOCATION** SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent shall be notified of any such revocation or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.


THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

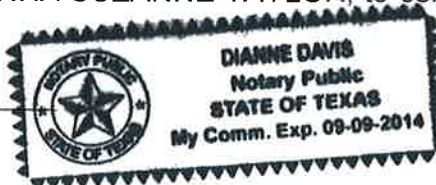
Signed this 26th day of April, 2011.

  
DONNA SUZANNE TAYLOR

  
TED WHITMER, ATTORNEY FOR  
DONNA SUZANNE TAYLOR

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 26 day of April, 2011, by DONNA SUZANNE TAYLOR, to certify which, witness my hand and official seal.

  
Notary Public Signature



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Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 19<sup>th</sup> day of MAY, 2011.

Troy Beaulieu  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 20<sup>th</sup> day of May, 2011.

Douglas E. Oldmixon  
Douglas E. Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20<sup>th</sup> day of May, 2011.

Luis De La Garza  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board

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DOCKETED COMPLAINT NO.  
09-267


**FINAL ORDER**

On this 20th day of May, 2011, the Board considered the above-noted matter, in which an Agreed Final Order was previously entered by the Board.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of Respondent's request for modification of the previously entered Agreed Final Order, attached as Exhibit A hereto, now enters this Final Order modifying the previously entered Agreed Final Order.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that Donna Taylor is granted an extension of N/A days to satisfy the remedial education requirements contained in the Agreed Final Order.

Approved by the Board and signed this 13 day of JAN, 2012.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board